

## HB 443 Walk Through

Because of an unfortunate definition of “nongame animal” in statute, many animals traditionally thought of as nongame animals are technically not. So what is the problem with the definition? The current statute defines “nongame animals” as animals that are not “otherwise classified” elsewhere in Montana statutes. And several animals—traditionally considered nongame animals—are “otherwise classified” under Montana statutes—so they are precluded from being considered nongame, including:

- Hawks, eagles, falcons and Osprey
- Owls
- Bats
- Prairie Dogs
- Other Animals

### Section 1

Page 1, line 30 – Latin name change

Page 2, lines 13 – 14 – Change definition of Nongame Wildlife – Basically says that nongame animals are anything NOT OTHERWISE CLASSIFIED under FWP statutes.

### Section 2

Page 3, lines 13 – 18. The definition of “management” is modernized:

- HB 443 removes the requirement that management means “increasing the number of individuals within species and populations of wildlife up to the optimum carrying capacity of their habitat and maintaining those levels” and replaces that requirement with “conserving populations of wildlife consistent with other uses of land and habitat.”
- HB 443 also adds “control” to the list of activities allowed by FWP is allowed to do as it “manages” nongame animals.

Page 3, lines 19 – 22. Changes the definition of Nongame Wildlife – Basically says that nongame animals are anything NOT OTHERWISE CLASSIFIED under FWP statutes.

Page 3, lines 23 – 25. Removes the definition of “optimum carrying capacity” which is deleted from the definition of “management” above.

### Section 3

Page 4, lines 9 – 12: makes sure that rodents and vertebrate pests can be managed as they are today: prairie dogs, rodents, and other vertebrate pests can be controlled:

- In Rodent Control Districts and as County Vertebrate Pests (pursuant to Title 7, chapter 22, part 22 or 25);
- As Vertebrate Pests by the Dept of Agriculture (Title 80, chapter 7, part 11);
- On lands owned/managed by the department of natural resources and conservation; or
- On private land by the landowner.

**What is a Nongame Animal?****These animals are NOT nongame:****Game<sup>1</sup>**

Antelope  
Bear  
Caribou  
Deer  
Elk  
Moose  
Mountain Goats  
Mountain Lions  
Mountain Sheep  
Wild Buffalo

Game Animals

Ducks  
Geese  
Swans  
Cranes  
Rails  
Coots  
Wilson's Snipe  
Mourning Doves

Migratory Game Bird

Grouse  
Pheasants  
Ptarmigan  
Prairie Chickens

Upland Game Bird

Game Fish (trout, walleye, etc.)

**Furbearers**

Beaver  
Bobcat  
Fisher  
Lynx  
Marten  
Mink  
Muskrat  
Northern Swift Fox  
Otter  
Wolverine

**Predators**

Coyotes  
Skunks  
Weasels  
Civet Cats

**Endangered Species**

Whooping Crane  
Black-footed Ferret  
Timber Wolf<sup>2</sup>

**These Animals are Nongame<sup>1</sup>**

Great Blue Heron  
Pika  
Masked Shrew  
Snowshoe Hare  
Woodpeckers  
Sagebrush Lizard  
Western Toad  
Yellow Perch  
Pumpkinseed  
Western Meadowlark  
Flying Squirrel  
White Pelican  
White-tailed Cottontail  
Least Chipmunk  
Sagebrush Vole  
Painted Turtle

**Animals That Fall Through the Cracks<sup>1</sup>**

Bald Eagle<sup>3</sup>  
Golden Eagle<sup>3</sup>  
Falcons<sup>3</sup>  
Hawks<sup>3</sup>  
Owls<sup>3</sup>  
Bats<sup>4</sup>  
Armatus Ground Squirrel<sup>4</sup>  
Columbia Ground Squirrel<sup>4</sup>  
Field Mice<sup>4</sup>  
Ground Squirrels<sup>4</sup>  
Jackrabbits<sup>4</sup>  
Mice<sup>4</sup>  
Pocket Gopher<sup>4</sup>  
Prairie Dogs<sup>4</sup>  
Raccoons<sup>4</sup>  
Rats<sup>4</sup>  
Richardson ground squirrel<sup>4</sup>  
Thirteen-striped ground squirrel<sup>4</sup>

<sup>1</sup> These are not complete lists of animals - they are only examples

<sup>2</sup> Wolves become a game animal or furbearer once they are off the Endangered Species list (87-5-131 MCA).

<sup>3</sup> These animals can be destroyed if they destroy livestock or poultry under 87-5-209 MCA.

<sup>4</sup> Dept. of Agriculture controls these animals when they become pests under 80-7-1101 MCA or Title 7, Section 22, Part 22 (Rodent Control Districts) or counties control them as vertebrate pests (Title 7, Section 22, Part 25).